

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE S. PEREZ

Defendants.

**8:22-CR-139**

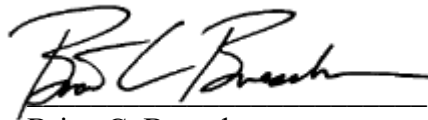
**ORDER ON DEFENDANT’S MOTION  
TO EXCLUDE ANGELA DERBISH AS A  
WITNESS**

This matter is before the Court on Defendant Jose S. Perez’s Motion to Exclude Angela Derbish as a witness in this case. [Filing 87](#). In this submission, Perez argues that at the time the Government disclosed Derbish as a witness, neither he nor his counsel had ever heard of her or received any reports regarding her potential testimony in this case. [Filing 87 at 1](#). However, Perez filed this Motion on August 14, 2023, when he was still scheduled to be tried jointly with his co-defendant, Miguel Avalos-Diaz. On August 15, 2023, the Court determined that Defendants’ trial should be severed. Avalos-Diaz’s trial proceeded on August 15, 2023, but Perez’s trial was rescheduled for October 31, 2023. [Filing 109](#). Given this continuance, Perez’s Motion to exclude Derbish as a witness should be denied. Perez and his counsel have adequate time between now and the date of the new trial to prepare for any properly disclosed testimony that Ms. Derbish may offer.

IT IS ORDERED: Defendant Jose S. Perez’s Motion to Exclude Angela Derbish as a witness, [Filing 87](#), is denied.

Dated this 21st day of August, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher  
United States District Judge